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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO.      |  |  |
|---|-------------|------------------------|---------------------|-----------------------|--|--|
| 10/620,254  | 07/15/2003  | Joseph H. Matthews III | MS1-0093USC2        | 9753                  |  |  |
| 22801   | 7590        | 06/12/2009             | EXAMINER            |                       |  |  |
| LEE & HAYES, PLLC<br>601 W. RIVERSIDE AVENUE<br>SUITE 1400<br>SPOKANE, WA 99201 |             |                        |                     | NGUYEN BA, HOANG VU A |  |  |
| ART UNIT  |             | PAPER NUMBER           |                     |                       |  |  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/620,254             | MATTHEWS ET AL.     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Hoang-Vu A. Nguyen-Ba  | 2421                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 May 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 47-49 and 52-54 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 47-49 and 52-54 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 5/12/09.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 12, 2009 has been entered.
2. Claims 47-49 and 51-54 are pending. Claims 47, 49 and 54 are independent claims.

### ***Response to Amendments***

3. Per Applicants' request, Claims 47, 49, and 54 have been amended and Claim 51 has been canceled.

### ***Response to Arguments***

4. Applicants' arguments in the Remarks section of the Amendment filed February 14, 2008 have been fully considered but are moot in view of the new grounds of rejection.

### ***Information Disclosure Statement***

5. The Office acknowledges receipt of the Information Disclosure Statements filed May 12, 2009. It has been placed in the application file and the information referred to therein has been considered.

### ***Claim Rejections – 35 USC § 103***

6. The following is a quotation of the 35 U.S.C. § 103(a) which form the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 47-49 and 51-54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,589,892 to Knee in view of U.S. Patent Application Publication No. 2003/0084444 by Ullman et al. (“Ullman”).

#### **Claim 47**

Knee discloses at least *a user interface unit* (see at least FIG. 1) comprising:

*a processor* (see at least FIG. 1, component 16);

*an electronic programming guide (EPG) executing on the processor* (see at least 11:32-46) to:

*organize programming information* (see at least 19:14-19), *including correlating universal resource locators (URLs) with particular programs in the EPG, the URLs identifying target resources that contain supplemental information related to the particular programs* (see at least FIG. 20, item 203; 20:3-12; 46:1-8; 47:19-21; it is noted that the URL is interpreted to be a path information to locate another document and in this instance the icon *i* contains a path location information to other program listings).

Knee does not specifically disclose the remaining features of the claim.

However, in an analogous art, Ullman discloses:

*enable a user of the user interface to enter additional URLs identifying target resources that contain supplemental information related to the particular program, wherein the user associates the user entered additional URLs identifying target resources with a particular program or channel in the EPG* (see at least [0016], e.g., GUI for pre-scheduling URLs; [0059]; e.g., FIG. 7; [0062], e.g., “**interactive** playlist 164 of Web pages” (emphasis by examiner)).

*wherein the associated additional URLs are prioritized and displayed within an EPG field associated with the particular program within the EPG, wherein prioritizing the associated additional URLs comprises monitoring the user's usage pattern of the associated additional URLs (see at least [0016]; [0041]; [0048], e.g., "control panel"; FIG. 7; [0059], e.g., "user interface 156," "predetermined order").*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the above features of Ullman in Knee because the use of these features would help Knee's EPG more versatile by providing consumers more information in a more efficient manner than either television or the Internet alone (Ullman; [0005]).

The combination Knee-Ullman further discloses:

*the processor being programmed to search the EPG and identify the particular programs having correlated URLs as interactive programs (Knee; see at least 34:12-34).*

#### **Claim 48**

The combination Knee-Ullman further discloses *a visual display* (Knee; see at least FIG. 1, item 27 and 9:49-58), *the processor being programmed to compile a list of the interactive programs and present the list of interactive programs on the visual display* (Knee; see at least FIG. 51, item 530 with the display of "i" icon associated with each of the listed programs; 20:3-13).

#### **Claim 49**

Knee discloses at least *a tangible computer-readable medium encoded with computer-executable instructions* (see at least FIG. 1, item 21 in view of 10:56-70) *configured for:*

*designating data fields in an electronic programming guide (EPG) to hold programming information* (see at least FIG. 18, item 185; 11:31-39; 20:3-11);

*compiling a list of interactive programs, wherein each interactive program in the list is a program having an associated target specification; and*

*presenting the list of interactive programs through [an] the EPG user interface (UI) supported by the EPG,*

Knee does not specifically disclose the remaining features of the claim.

However, in an analogous art, Ullman discloses:

*dedicating one of the data fields as a supplemental content field (see at least FIG. 7, field where the URLs are shown);*

*associating, by the viewer, the target specification identifying a location for the supplemental content with a particular program or channel in the EPG (see at least FIG. 7);*

*entering a target specification into the supplemental content field to correlate supplemental content with a program, the target specification identifying a location for the supplemental content, wherein the entering a target specification into the supplemental content field comprises receiving the target specification from a viewer accessing an EPG user interface (UI) supported by the EPG; associating, by the viewer, the target specification identifying a location for the supplemental content with a particular program or channel in the EPG (see at least [0016], e.g., GUI for pre-scheduling URLs; [0059]; e.g., FIG. 7; [0062], e.g., “**interactive** playlist 164 of Web pages” (emphasis by examiner);*

*wherein the plurality of target specifications is prioritized and displayed within a supplemental content field associated with the program within the EPG, wherein prioritizing the plurality of target specifications comprises monitoring the viewer’s usage pattern of the target specification (see at least [0016]; [0041]; [0048], e.g., “control panel”; FIG. 7; [0059], e.g., “user interface 156,” “predetermined order”).*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the above features of Ullman in Knee because the use of these features would help Knee’s EPG more versatile by providing consumers more information in a more efficient manner than either television or the Internet alone (Ullman; [0005]).

#### **Claim 50 (previously canceled)**

#### **Claim 51**

The rejection of base claim 49 is incorporated. The combination Knee-Ullman further discloses:

*receiving multiple target specifications for a program (Knee; see at least FIG. 43A, item 401; “i” icon; the “\*” item referencing a screen – FIG. 44 – which displays items to purchase related to a particular program); and*

*prioritizing the multiple target specifications according to viewer preferences (Ullman; see at least [0016]; [0041]; [0048], e.g., “control panel”; FIG. 7; [0059], e.g., “user interface 156,” “predetermined order”).*

### **Claim 52**

The combination Knee-Ullman further discloses *wherein the compiling comprises searching the EPG for interactive programs (Knee; see at least FIGs. 51; 34:20-27).*

### **Claim 53**

The combination Knee-Ullman further discloses *wherein the target specification is selected from the group comprising:*

*a memory pointer (Ullman; see at least FIG. 7; [0036-0039]);*  
*a hyperlink (Ullman; see at least FIG. 7); and*  
*a universal resource locator (URL) (Ullman; see at least 7).*

### **Claim 54**

Knee discloses at least *in a system having an electronic programming guide (EPG) (see at least FIG. 1), a method comprising:*

*correlating additional information with corresponding programming information in the EPG (see at least FIG. 20, item 203; 20:3-12; 46:1-8; 47:19-21),; and*  
*searching the EPG to identify interactive programs within the programming information (see at least 34:12-34).*

Knee does not specifically disclose the remaining features of the claim.

However, in an analogous art, Ullman discloses:

*wherein the user enters the hyperlinks through an EPG user interface (UI) supported by the EPG and associates the hyperlink with a particular program or channel*

*in the EPG see at least [0016], e.g., GUI for pre-scheduling URLs; [0059]; e.g., FIG. 7; [0062], e.g., “interactive playlist 164 of Web pages” (emphasis by examiner),*

*wherein the entered hyperlinks are displayed within an EPG Field associated with the particular program or channel within the EPG, wherein prioritizing the entered hyperlinks comprises monitoring the user’s usage pattern of the hyperlinks (see at least [0016]; [0041]; [0048], e.g., “control panel”; FIG. 7; [0059], e.g., “user interface 156,” “predetermined order”); and*

*program information that have correlated hyperlinks (see at least FIG. 7).*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the above features of Ullman in Knee because the use of these features would help Knee’s EPG more versatile by providing consumers more information in a more efficient manner than either television or the Internet alone (Ullman; [0005]).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to Applicant’s disclosure.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu “Antony” Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner’s supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2400 Group receptionist (571) 272-2400.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/  
Primary Examiner, Art Unit 2421

June 2, 2009